

Courts Administration Service

Wrongdoing and misconduct annual report - 2024-25

Message from the Chief Administrator and Chief Executive Officer

I am pleased to present the first Courts Administration Service annual report on addressing misconduct and wrongdoing. This report summarizes important actions taken by the organization to address and respond to misconduct and wrongdoing for the 2024–2025 fiscal year. The findings outlined in this report confirm that while the volume of wrongdoing disclosures remains low, misconduct and workplace behaviour issues do occur and require consistent and proportionate management.

This report also highlights the proactive measures we have undertaken including leadership training, facilitated discussions, values and ethics workshops, and awareness sessions for employees, which are essential to preventing issues before they arise.

One of the goals of this report is to increase confidence in our systems of accountability by increasing transparency and visibility.

CAS is taking action to foster a culture of zero tolerance for wrongdoing and misconduct, ensuring a safe, respectful, and ethical workplace for all employees.

Together, through openness, fairness, and continuous improvement, we can build and maintain a trusting, healthy workplace that is at the heart of our mission of supporting Canada's national courts.

Darlene H. Carreau

Chief Administrator and Chief Executive Officer
Courts Administration Service

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Objective

This report summarizes cases related to misconduct and wrongdoing during the fiscal year 2024-25. It also covers the results of related processes dealing with conflict of interest and harassment. In addition, the report outlines preventative and proactive measures the department has taken to mitigate the risk of similar issues occurring in the future.

The objective of this Misconduct and Wrongdoing Report is to enhance transparency around the processes used to address such situations at CAS and to demonstrate that the organization takes appropriate action. Transparency should foster confidence in our processes and help prevent future occurrences. CAS has established mechanisms for detecting and effectively resolving substantiated cases. We hope this report reinforces our culture of zero tolerance for wrongdoing, fraud and wilful misconduct, while also supporting a safe and healthy workplace.

Misconduct, wrongdoing and fraud

Definition

Misconduct is defined as any action whereby an individual willfully contravenes an act of Parliament, a regulation, a rule, a departmental or Treasury Board policy instrument, an approved procedure, a code of conduct, or reasonable and lawful management direction. In short, misconduct occurs when an employee breaches the obligation they agreed to uphold upon joining CAS and the federal public sector.

Wrongdoing is a term used specifically in reference to incidents addressed under the [Public Servants Disclosure Protection Act](#) (PSDPA). Under the PSDPA, wrongdoing in the public sector is defined as:

- a. a contravention of any Act of Parliament or of the legislature of a province, or of any regulations made under any such Act, other than a contravention of section 19 of this Act;
- b. a misuse of public funds or a public asset;
- c. a gross mismanagement in the public sector;
- d. an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of the duties or functions of a public servant;

- e. a serious breach of a code of conduct established under section 5 or 6; and
- f. knowingly directing or counselling a person to commit a wrongdoing set out in any of paragraphs (a) to (e).

Fraud

Fraud is any intentional act or omission designed to deceive others, resulting in the victim suffering a loss and/or the perpetrator achieving a gain. Fraud can be internal or external and is typically committed due to pressure, opportunity and rationalization. Fraudulent activities are improper actions designed to misstate financial information, misstate non-financial information, misappropriate assets, or perpetrate illegal acts or corruption.

Context

All CAS employees should feel safe reporting any situation involving potential misconduct or wrongdoing and fraud, without fear of reprisal. Several mechanisms and processes are also available to employees who witness or experience misconduct or wrongdoing and fraud. Employees can contact their manager, their union representative, the Ombuds or consult the Senior Officer responsible for disclosure of wrongdoing (SOD) and fraud risk management to obtain more information on these processes or contact the Office of the Public Sector Integrity Commissioner.

Alleged misconduct is addressed by a management representative within the organizational structure of the concerned employee and in accordance with the CAS Human Resources Sub-delegation instrument.

Alleged wrongdoing is addressed in accordance with the PSDPA, which provides a formal mechanism for public servants to disclose wrongdoing in the workplace while protecting them from reprisal. When a disclosure is received, an admissibility analysis is undertaken based on several criteria to determine whether there is a requirement to launch an investigation. Investigations are conducted as informally and expeditiously as possible, with rigour and procedural fairness throughout the process. A case of founded wrongdoing may result in a referral to the employee's manager to take appropriate disciplinary and/or administrative measures.

Process

CAS addresses alleged cases of misconduct and disclosures of wrongdoing in accordance with the applicable legislation, regulations, policies, directives, and guidelines. This includes conducting fair, timely, and objective investigations, taking measures to protect confidential information collected, protecting public servants against reprisal, and

upholding procedural fairness, both for those under investigation and those who have initiated a formal process.

When an alleged case of misconduct is reported, managers, in consultation with labour relations, are responsible for reviewing and addressing the matter promptly and in line with the principles of natural justice and procedural fairness. Depending on the situation, management, in consultation with labour relations, will conduct a fact-finding exercise and/or an administrative investigation to assess whether the allegation is substantiated and what action, if any, is appropriate.

Pursuant to the PSDPA, the *Values and Ethics Code for the Public Sector*, and *CAS Code of Conduct*, the SOD is responsible for receiving and dealing with disclosures of wrongdoing made by public servants and ensuring compliance with the PSDPA. When a disclosure of wrongdoing is made, the SOD conducts an admissibility review to determine if an investigation is warranted. If so, the SOD oversees the investigation and provides findings and recommendations directly to the Chief Administrator and Chief Executive Officer.

The Senior Officer for Fraud Risk Management oversees work related to identifying, and assessing fraud risks within the organization, including establishing a process to report, assess and investigate suspected fraud, and take corrective actions in response to founded allegations.

While all alleged cases of misconduct, wrongdoing and fraud are reviewed, not all result in formal investigations. Some may be unsubstantiated or resolved through informal mechanisms, for example. Management plays a crucial role in maintaining a healthy work environment and services are available for all parties involved. The Ombuds, the Employee Assistance Program and informal conflict management services provide various independent and confidential services to employees and managers to support employees and to help to restore the work environment. For any investigation, allegations are assessed based on the available evidence and the applicable administrative standard of proof.

When misconduct, wrongdoing or fraud is determined to be founded, CAS has the responsibility to take appropriate disciplinary or administrative measures, up to and including termination. In some instances, a situation may warrant the application of both disciplinary and administrative measures.

2024-2025 Findings

Misconduct

In fiscal year 2024-2025, a total of 12 alleged cases of misconduct were examined. Of these:

- Three (3) cases resulted in no disciplinary action undertaken
- Three (3) cases resulted in a letter of expectations
- Two (2) cases resulted in a verbal reprimand
- One (1) case resulted in a written reprimand
- One (1) case resulted in an abandonment of position
- Two (2) cases of alleged fraud were investigated.

The three (3) cases that resulted in no disciplinary action undertaken involved inappropriate use of electronic devices, breach of security directives and policies, and unauthorized absences.

For cases resulting in disciplinary measures being imposed, the alleged misconduct involved unauthorized absences, refusals to collaborate and to follow instruction, inappropriate workplace conduct and inappropriate use of electronic networks.

Wrongdoing and fraud

In fiscal year 2024-25, the SOD's role changed from the Director General, Human Resources to the Chief Audit Executive and the role of Senior Officer for Fraud Risk Management was created.

During the year, the SOD received one (1) disclosure which was not investigated because it did not meet the definition of wrongdoing as it was an appropriate business process.

Proactive and preventative measures

The Labour Relations Team conducted individualized training sessions for management on effectively addressing workplace misconduct. Additionally, they actively participated in various management forums to raise awareness of labour relations issues impacting specific work units. The unit also engaged in ad hoc consultations with Bargaining Agents regarding relevant CAS procedures, aimed at resolving recurring challenges and fostering alignment between employees and management.

Furthermore, in recognition of Fraud Prevention Month in March, a CAS-wide communication was issued to remind all employees of our shared responsibility in preventing fraud and wrongdoing and how to report any activity that appears suspicious.

Conflict of interest

Definition

Conflict of interest can be defined as a situation in which a CAS employee has private interests – such as property, investments, relationships, publications, or other employment or outside activities – that could:

- a. influence the performance of their official duties and responsibilities;
- b. allow use of their position for personal gain; or,
- c. affect judicial independence.

Types of conflict of interest:

A **real conflict of interest** is a conflict of interest that exists at the present time.

An **apparent conflict of interest** exists when a reasonable observer could perceive that a situation is a conflict of interest, whether or not it is the case.

A **potential conflict of interest** is a conflict of interest situation that could reasonably be foreseen to happen in the future.

Context

The CAS *Code of Conduct* complements the [Values and Ethics Code for the Public Sector](#) and the Treasury Board [Directive on Conflict of Interest](#). These policies apply to all CAS employees, regardless of level or position, and their acceptance is a condition of employment.

Employees are expected to always uphold both Codes and the Directive including by way of timely and proper disclosure of situations that may constitute a conflict of interest. Breaches of these Codes may lead to disciplinary action, up to and including termination of employment.

When ethical concerns arise, employees are encouraged to first speak with their immediate supervisor. Additional support is available through internal resources, such as the Ombuds Office. Employees are also encouraged to seek resolution through informal means, including respectful dialogue or mediation.

Employees or members of the public who believe that a CAS employee has seriously breached the codes may report the matter to CAS' Labour Relations Team (lr.rt@cas-

satj.gc.ca). Employees may also make a protected disclosure under the PSDPA to their manager, the SOD, or the Public Sector Integrity Commissioner.

Process

When the Labour Relations Team receives a conflict of interest disclosure reporting form, it conducts a thorough review and assessment of the disclosure and makes recommendations to the senior designated official, as indicated in the Human Resources Sub-delegation Instrument. At CAS the designated senior officials are at the Deputy Chief Administrator level. Upon recommendation from the Labour Relations Team, they will decide on the presence of a real, apparent or potential conflict of interest and will issue a response to the employee.

When a disclosure leads to a finding of a real, apparent or potential conflict of interest, management will implement appropriate mitigation measures in consultation with the Labour Relations Team to mitigate the risk of conflict of interest. The employee is responsible for complying with the compliance measure(s).

If an employee fails to disclose a real, apparent or potential conflict of interest, is non-compliant with measures put in place by the Senior Designated Official or is otherwise in violation of the requirements set out in the Codes or the Directive, they could be subject to disciplinary and/or administrative measures.

2024-2025 Findings

In fiscal year 2024-2025, a total of 11 conflict of interest disclosure reporting forms were reviewed by the Labour Relations Team. Of these:

- 11 disclosures were determined to not be conflict of interests
- 0 disclosures were found to involve a potential or apparent conflict of interest
- 0 disclosures were confirmed to involve a real conflict of interest

Proactive and preventative measures

In 2024-25, CAS held six facilitated discussions on values and ethics open to all employees, to increase engagement on a breadth of ethical issues including conflict of interest. In addition, a revised CAS *Code of Conduct* was issued along with a new *Directive on conflict of interest* in 2025-26. Publication of the new directive will provide clearer definitions and processes, and an opportunity for managers to have dialogue with their own teams and be responsive to addressing the risk of conflict of interest in their work units.

In addition, the Labour Relations Team oversees political activities. For 2024-2025, Labour Relations has not received any request from employees to participate in political activities, or any decision from the Public Service Commission concerning employee participation in political activities.

Harassment and violence

Definition

Harassment and violence means any action, conduct or comment, including of a sexual nature, that can reasonably be expected to cause offence, humiliation or other physical or psychological injury or illness to an employee, including any prescribed action, conduct or comment.

Context

The *Work Place Harassment and Violence Prevention Regulations* (the Regulations) set out a structured process designed to address incidents of harassment and violence in a fair, timely, and confidential manner. It provides a framework to ensure that all occurrences are handled appropriately while promoting a safe and respectful work environment.

When an individual experiences or witnesses workplace harassment or violence, they may file a notice of occurrence with the designated recipient, who is now an external consultant, thus reducing the risk of a potential conflict of interest within Human Resources Branch. The Occupational Health and Safety Team support the Designated Recipient.

The notice of an occurrence must contain the following information:

- (a) the name of the principal party and the responding party, if known;
- (b) the date of the occurrence; and,
- (c) a detailed description of the occurrence.

This can be done either verbally or in writing. The process is intended to be accessible and supportive for all parties involved and may result in recommendations to eliminate or minimize the risk of a similar occurrence. The person who has experienced the workplace harassment or violence is referred to as the principal party.

Process

Once a notice of occurrence of workplace harassment and violence is received, the designated recipient, confirms receipt within seven (7) day of the notice. This notice may be filed by an employee or employer who is the object of an occurrence (a principal party) or a witness and may be done in writing or verbally.

Reasonable efforts to resolve occurrences must begin no later than 45 days after the day on which the notice is provided. This may involve informal dialogue, mediation, conciliation or other alternative dispute resolution approaches. If both parties consent, a neutral third-party facilitator may be brought in to assist with the process.

In cases where informal resolution is unsuccessful an investigation of the occurrence must be carried out if the principal party requests it. An investigator is selected in accordance with the Regulations and following the investigation, the investigator must set out in their report a general description of the occurrence, their conclusions and recommendations. This report is shared with both parties and the employer. The employer and the Workplace Health and Safety Committee must jointly determine which of the recommendations set out in the report are to be implemented. These may include training, policy revisions, changes to work arrangements, or other actions aimed at preventing future occurrences.

Finally, after the jointly determined recommendations have been implemented, the employer may provide follow-up support to the affected employees. The effectiveness of the measures taken is also assessed, and the overall workplace assessment and prevention strategies are updated as necessary to ensure continuous improvement of the workplace environment.

If the investigator's report concludes that the allegations are founded, the employer may conduct further analysis to determine if disciplinary measures are required.

2024-25 Findings

In fiscal year 2024-2025, the Designated Recipient managed a total of 12 cases (these cases encompassed a multitude of types of occurrences). Of these cases:

- Four (4) notices of occurrence were submitted
 - Two (2) files are currently active and under investigation
 - One (1) file is currently active, and parties are participating in informal resolution

- One (1) file was closed at the request of the principal party who has withdrawn their notice of occurrence
- Eight (8) processes for the resolution of previous notices of occurrence were already in effect prior to 2024-25
 - Two (2) files are currently active and require additional information to determine the appropriate next steps in the resolution process (one of which is pending a determination on whether the principal party will proceed with an investigation or be referred to informal resolution services)
 - Two (2) files were resolved following an investigation and allegations met the definition of harassment and violence
 - One (1) file was resolved following an investigation and allegations did not meet the definition of harassment and violence
 - Two (2) files were resolved through informal resolution
 - One (1) file was resolved at the request of the principal parties who withdrew their notice of occurrence following a workplace assessment

From those twelve (12) cases, eleven (11) cases met the definition of harassment and violence, and one case was voluntarily withdrawn by the employee.

From the twelve (12) cases reviewed by the Designated Recipient, eleven (11) cases were deemed to proceed to investigation as potential harassment or violence (one case having been withdrawn):

- Six (6) cases are under investigation (either ongoing or about to be initiated)
- Three (3) cases are pending a determination on whether they will proceed to investigation or be referred to the Informal Conflict Management Services
- Two (2) cases were resolved through informal resolution processes

The Designated Recipient also reviewed an additional seventeen (17) enquiries. Those enquiries were relating to providing additional information to identify the appropriate next steps for employees; for example, providing advice on conflict resolution.

Proactive and preventative measures

The Occupational Health and Safety Team (where the Workplace Harassment and Violence Prevention Program is located) delivered information sessions to CAS Occupational Health and Safety committees and employees, including during the onboarding sessions.

In addition to the above, CAS has been monitoring the completion rates for the mandatory Canada School of Public Service training for employees on Preventing Workplace Harassment and Violence and reminders have been sent to employees who have not completed their course(s) within three (3) months of the course(s) being assigned to them.

The workshops “Preventing Harassment and Violence in the Workplace”, facilitated by the Joint Learning Program, were scheduled for all employees who wished to participate, and CAS has received positive feedback for this initiative. We will continue to offer these workshops to complement the existing training on preventing workplace harassment and violence.

An information session on the Ombuds services was delivered during the February 28, 2025, all staff town hall event so employees are aware that they can reach out to discuss workplace issues and explore options without fear of judgment or reprisal.

An information session on the Informal Conflict Management System will be delivered to employees in the fall of 2025 and every year thereafter so employees are aware of the tools and services available to them to prevent and resolve workplace conflicts respectfully and as soon as they arise.

Finally, the Occupational Health and Safety Team also reviewed existing processes to identify areas of improvement or efficiency by way of improved reports, enhanced communication, as well as using trends of investigation outcomes to inform work plans for focus and improvement.

These activities contributed to raising awareness and support a safe and respectful workplace environment.

Conclusion

The report on Wrongdoing and Misconduct is part of a broader organizational action plan. Over the past two years, CAS has taken decisive steps to enhance its response to complaints, strengthen trust in leadership, and promote a healthy, harassment-free workplace.

Looking ahead, CAS will continue implementing targeted training and engagement initiatives to reinforce leadership accountability and promote a respectful workplace. We will actively monitor the effectiveness of complaint processes and leadership measures to guarantee timely and fair resolution of issues. Progress will be tracked and communicated through regular updates and performance metrics, ensuring transparency and sustaining momentum on these critical priorities.